

## **REMARKS/ARGUMENTS**

The present Amendment is responsive to the final Office Action mailed March 25, 2008 in the above-identified application.

Claim 4 is canceled without prejudice or disclaimer. Accordingly, claims 1-3 and 5-15 are the claims currently pending in the present application.

Claims 1 and 10 are amended to clarify features recited thereby. The amendments to claims 1 and 10 are fully supported by applicant's disclosure (see, for example, originally-filed claim 4).

The amendments to the claims are believed not to necessitate the filing of an RCE because the amendments do not add new recitations to the claims. Accordingly, the claim amendments should now be entered and considered on the merits.

### ***Rejection of Claims 1-4 and 9-15 under 35 U.S.C. § 103***

Claims 1-4 and 9-15 are rejected under 35 U.S.C. § 103(a) as being obvious based on Ishikawa et al., U.S. Patent No. 5,728,130. Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, according to an aspect of applicant's invention as claimed in claims 1 and 10, ultrasonic energy is imparted by the ultrasonic treatment apparatus in accordance with a manipulation of a clamp in a manner familiar and convenient for a surgeon.

Claims 1 and 10 require that the sensor circuit detects the magnitude of the clamping force generated by the moving member.

Ishikawa discloses an ultrasonic trocar system that includes a cannula and an obturator that is passed through a guide bore and is vibrated at an ultrasonic frequency (Ishikawa, Abstract), and discloses that an amplitude of the vibrations is set to an optimal value according to a puncturing force exerted such that the ultrasonic trocar is thrust into a living body while thermal burn of the living tissue can be prevented (Ishikawa, column 17, lines 10-15). Ishikawa further discloses that the amplitude of vibrations made by the distal part of a trocar assembly varies in real time depending on the magnitude of pressure applied to the distal part (Ishikawa, column 17,

lines 14-18), and this is accomplished by use of a pressure sensor that monitors the state of a pressure load imposed on the obturator such that when the pressure applied to the tip of the obturator is large the reference circuit can increase the set value of the amplitude of vibrations (Ishikawa, column 15, line 62 – column 16, line 39).

Ishikawa does not disclose or suggest any kind of clamping force generated by a moveable member, as required by claims 1 and 10. That is, Ishikawa does not disclose or suggest that a surgeon or operator can control the magnitude of ultrasonic energy applied by the probe by controlling a clamping force generated by a moveable member, as required by claims 1 and 10.

Further, Ishikawa does not disclose or suggest any kind of output signal corresponding to the magnitude of such clamping force, as further required by claims 1 and 10.

Claims 2, 3, 9 and 11-15 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons. Claim 4 is canceled without prejudice or disclaimer and therefore this rejection is moot as to this claim.

#### ***Rejection of Claims 5-8 under 35 U.S.C. § 103***

Claims 5-8 are rejected under 35 U.S.C. § 103(a) as being obvious based on Ishikawa, in view of Salcudean et al., U.S. Patent No. 6,425,865. Reconsideration of this rejection is respectfully requested.

Salcudean does not cure the above-cited deficiencies of Ishikawa as they relate to claim 1. Salcudean discloses an ultrasound probe in which a hand controller controls a robot arm performing a probe (Salcudean, Abstract) such that the passive/active hand controller senses an operator's hand motion and a force-torque sensor is used to sense the operator's hand forces (Salcudean, column 7, lines 61-67), and the computer, sensing the force vector applied by the operator to the input device can scale up or scale down the force and add it to a predetermined force applied between the transducer and the human body (Salcudean, column 4, lines 42-46), such that the hand controller enables an operator to input into a computer a desired position, a desired velocity or a desired force, or a linear combination thereof and that the computer maps the operator input into the ultrasound transducer position, velocity or force (Salcudean, column 4, lines 57-61).

Thus, even taken together in combination, Ishikawa and Salcudean do not disclose or suggest detecting a magnitude of a clamping force generated by the moveable member, as required by claim 1. Further, even taken together in combination, Ishikawa and Salcudean do not disclose or suggest transmitting an output signal corresponding to the magnitude of this clamping force to the drive circuit, as further required by claim 1. Therefore, since claims 5-8 depend from claim 1 they are patentable distinguishable over the cited art for at least the same reasons.

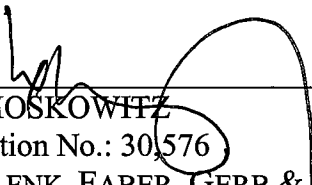
Claims 5-8 depend from claim 1, and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the forgoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested.

Respectfully submitted,

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